

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

RANDY PAUL NEAL,

Plaintiff,

v.

HBD/THERMOID, INC.; and HBD
INDUSTRIES, INC,

Defendants.

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Case No. 3:23-cv-273
Jury Demanded

COMPLAINT

Plaintiff, Randy Paul Neal, for his Complaint against Defendants HBD/Thermoid, Inc., and HBD Industries, Inc., and avers as follows:

Nature of Action

1. This civil action arises out of the Defendants' termination of Plaintiff's employment in violation of the Age Discrimination in Employment Act of 1967 ("ADEA"), 29 U.S.C. § 634, *et seq.*

Jurisdiction and Venue

2. This Court has subject matter jurisdiction under 28 U.S.C. § 1331.
3. Plaintiff has exhausted all administrative remedies and conditions precedent to the filing of this action, and timely files this action within ninety days of his receipt of a Notice of Right to Sue from the Equal Employment Opportunity Commission ("EEOC"), 494-2022-02808.
4. Venue is proper in this Court under 28 U.S.C. § 1391(b).

Parties

5. Plaintiff Randy Paul Neal is 65 years old. He resides in Oneida, Scott County,

Tennessee.

6. Defendant HBD Thermoid, Inc., is a Delaware corporation with its principal place of business in Dublin, Ohio. Defendant HBD Thermoid, Inc., may be served with process through its registered agent in Tennessee, Registered Agent Solutions, Inc., 992 Davidson Drive, Suite B, Nashville, TN 37205-1051.

7. Defendant HBD/Thermoid, Inc. is the wholly owned subsidiary of Defendant HBD Industries, Inc. Defendant HBD/Thermoid, Inc., may be served with Registered Agent Solutions, Inc., 992 Davidson Drive, Suite B, Nashville, TN 37205-1051.

8. Defendants share common ownership and management over personnel matters and each is an “employer” within the meaning of, and subject to, the ADEA.

Facts

9. Defendants operate a manufacturing plant in Oneida, Tennessee, where they produce industrial hose and conveyor belt products (hereinafter, “Oneida plant”).

10. Plaintiff began working at the Oneida plant in 1977 and became an employee of Defendants in 1986 after Defendants acquired the plant.

11. At the time of the events of this case Plaintiff held the job of “Lead Head Operator,” a position that requires substantial skill, training, and experience and, upon information and belief, is the highest paid production job at the Oneida plant.

12. At all relevant times, Jody Carson was Plaintiff’s direct supervisor, and Jerome Crabtree was the Oneida plant manager overseeing the plant’s operations.

13. Around six weeks before the adverse employment action at issue in this case, management assigned Mr. Crabtree’s son, Jacob Crabtree, to begin training under Plaintiff. At that time, management said the decision was made so that Defendants would have someone to fill-in for Plaintiff on occasion but that, ultimately, the decision

was made so that Defendants would have a replacement trained and waiting once Plaintiff “eventually retired.”

14. Jacob Crabtree is in his twenties and had been working at the plant for around two years, but on a different production line that was in the process of shutting down, resulting in layoffs.

15. On June 7, 2022, while training under Plaintiff, Jacob Crabtree asked Plaintiff pointedly, “Randy, how much longer are you gonna work until you retire?”

16. Plaintiff told Jacob Crabtree that he did not know when he would retire exactly and that the timing of such a decision would depend on several considerations and factors. The gist of the conversation was that Plaintiff had no imminent plans of retiring.

17. On June 10, 2022, Plaintiff’s supervisor, Jody Carson, told Plaintiff that he was being sent home on the orders of Plant Manager Jerome Crabtree. No other explanation was given.

18. Mr. Carson told Plaintiff not to return to work until he had heard from Mr. Crabtree.

19. On June 15, 2022, Mr. Crabtree called Plaintiff at home and told him that he was being terminated for “job abandonment,” which is false.

20. Within a couple weeks of Plaintiff’s termination, Defendants filled Plaintiff’s position of Lead Head Operator with Jacob Crabtree.

Cause of Action Age Discrimination

21. Plaintiff incorporates by reference the allegations contained in Paragraphs 1–20 as if set forth fully herein.

22. At the time of his termination, Plaintiff was 64 years old and protected from discrimination by the ADEA.

23. Plaintiff was qualified for the position he held, and he consistently met or exceeded Defendants' performance expectations.

24. Defendants terminated Plaintiff's employment because of his age, and replaced Plaintiff with a substantially younger individual, namely Jacob Crabtree (20s).

25. As a direct and proximate result of Defendants' unlawful discrimination, Plaintiff has suffered lost wages and benefits for which Defendants are liable under ADEA.

26. As a direct and proximate result of Defendants' unlawful discrimination, Plaintiff has suffered, among other injuries, humiliation, embarrassment, and emotional distress and is entitled to liquidated damages under ADEA.

27. Plaintiff further avers that he will be entitled to recover from Defendants the reasonable attorney's fees and costs of this action under ADEA.

Prayer for Relief

WHEREFORE, Plaintiff Randy Paul Neal respectfully prays for relief as follows:

1. That process issue and Defendant be required to answer this Complaint within the time prescribed by the Federal Rules of Civil Procedure.
2. That Plaintiff be awarded damages in the amount of wages, salary, employment benefits and other compensation lost as result of his unlawful termination, plus an equal amount in liquidated damages under ADEA.
3. That Plaintiff be awarded reasonable attorneys' fees and costs in an amount to be determined by the Court under ADEA.
4. That Plaintiff be awarded such other legal and equitable relief to which he

may be entitled; and

5. Plaintiff demands trial by Jury.

Respectfully submitted,

/s/Richard E. Collins
Richard Everett Collins (TN Bar # 24368)

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